

REMARKS/ARGUMENTS

Claims 1, 2, and 4-27 are pending.

Claims 1-10, 14-17, 19-21, and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,018,904 to Muraoka. Claims 11, 12, 18, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka in view of U.S. Patent No. 3,227,273 to Syverson et al. Claims 22, 23, and 25 stand rejected as unpatentable over Muraoka. Claim 26 stand rejected as unpatentable over Muraoka in view of Syverson and further in view of U.S. Patent No. 4,134,492 to Lucas.

Claim 1 includes the features “complementary locking features on the cup holder and primary container for locking the primary container into the cup holder in the serving configuration of the package, the locking features comprising *a radial projection formed on one of the cup holder and primary container and a recess formed on the other of the cup holder and primary container*, the projection engaging the recess in the serving configuration”. The radial projection and recess were originally present in Claim 3, which has now been canceled.

With regard to the “complementary locking features” in the claims, the Advisory Action states:

“both inner and outer cup of Muraoka complement each other in that the inner and outer cups can be nested within each other. Since the inner and outer cups are complements of each other the locking features, in this case, the friction between the walls of the inner and outer container are also considered complementary to each other and are considered complementary locking features.”

This reasoning, even if it were valid, completely ignores the fact that original Claim 3 (and now Claim 1 as amended) recites “the locking features comprise a projection formed on one of the cup holder and primary container and a recess formed on the other of the cup holder and

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primary container, the projection engaging the recess in the serving configuration.” The Examiner has not explained how Muraoka is deemed to disclose these features. Applicant respectfully submits that Muraoka does not disclose or suggest such complementary locking features.

Indeed, Muraoka never intended for his inner and outer cups to be separated from each other and reversed in nesting relation such that the original inner cup would become the outer cup and vice versa (col. 3, lines 2-10). Therefore, there would not have been any reason for Muraoka to include complementary projection/recess locking features as claimed in Claim 1. Furthermore, the structure of Muraoka’s package does not include any features that would inherently serve as the claimed locking features.

For at least these reasons, Muraoka does not anticipate or render obvious the package defined in Claim 1.

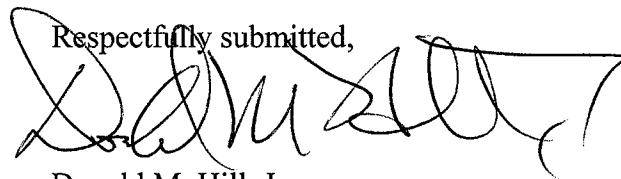
Dependent Claims 2-10, 14-17, 19-21, and 24 are patentable over Muraoka for at least the same reasons applicable to Claim 1. Additionally, a number of features in these claims are not disclosed or suggested by Muraoka or the other cited references, for the reasons pointed out in the previous Amendment filed on May 25, 2007.

Conclusion

Based on the above amendments and remarks, Applicant respectfully submits that all pending claims are patentable and the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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